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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/541,546

07/01/2005

Sandra Duden

23322

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535 7590 07/23/2007
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EXAMINER

COY, NICOLE A

ART UNIT

PAPER NUMBER

3672

MAIL DATE

DELIVERY MODE

07/23/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/541,546

Applicant(s)

DUDEN, SANDRA

Examiner

Nicole Coy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☒ Claim(s) 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 8 is objected to because of the following informalities: Claim 8 does not depend off of any claim. For the purposes of examination, the claim is assumed to be dependent off of claim 1. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 7-9, 15-17, and 20-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claims 7, 8, 15, and 16, the phrase "for example" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim 9 is also rejected under 112 because it is dependent on claim 7.

Claims 17 and 20-22 are also rejected under 112 because they are dependent from claim 15.

4. Claims 7-9, 15-17, and 20-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claims 7, 8, 15, and

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16, the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim 9 is also rejected under 112 because it is dependent on claim 7.

Claims 17 and 20-22 are also rejected under 112 because they are dependent from claim 15.

Drawings

5. The drawings are objected to because the letter A is used to indicated a cross-sectional view. Roman or Arabic numerals should be used to indicated cross-sectional views. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

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the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-3, 10-13, 18, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Luigi (EP 0602753).

With respect to claims 1 and 11, Luigi discloses a cutting ring for disk rolls of partial and/or full cutting machines, comprising a base ring (112) made of steel or similar material and a closed hard metal ring (114) which is situated on the outer envelope (see figure 2) of the base ring (112), and a plurality of hard metal partial segments (15; see also column 4 lines 33-35) arranged adjacent to one another in peripheral direction thereof on the outer envelope of the base ring (112), characterized in that the base ring is divided into two axial sections (112, 113), that an annular recess (see figure 2) is formed between the radially outer sections of adjacent bearing surfaces (see figure 2) of the axial sections (112, 113) for receiving the hard metal partial segments (15), and that the two axial sections (112, 113) of the base ring (112) can be compressed, by applying pressure, to form a solid composite with hard metal partial segments (15) inserted between them in the annular recess (see figures 1 and 2).

With respect to claims 2 and 12, Luigi discloses that the annular recess is formed by two partial annular recesses (120), which are formed in the radially outer sections of the adjacent bearing surfaces of the two axial sections (112, 113) of the base ring, for receiving the hard metal partial segments (15).

With respect to claim 3, Luigi discloses that the base ring (2) is divided axially in the centre into the two axial sections (112, 113; see figure 2).

With respect to claims 10 and 19, Luigi disclose that each axial section (112, 113) of the base ring (112) has an outer peripheral section (see figure 3) which can be detached, preferably unscrewed (via 119), from it with which it protrudes beyond the outer periphery of the hard metal ring (see figure 3) and by means of which an annular space (see figure 3) between the outer periphery of the hard metal ring (114) and the two outer peripheral sections (112, 113) can be closed by interacting with a corresponding outer peripheral section of the other axial section of the base ring (112).

With respect to claim 13, Luigi disclose that a composite of hard metal partial segments (114) which is resistant to radial forces is obtained thereby that the end faces of adjacent hard metal partial segments (114) engage in one another in a form-locking manner (see figure 2).

With respect to claim 18, Luigi discloses that the annular recess of the base ring receiving the hard metal partial segments (114) of the hard metal ring is closed radially outside of the hard metal ring and evacuated (see figures 2 and 3).

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8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 4, 5, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luigi.

With respect to claims 4, 5, and 14, Luigi does not disclose projections. It would have been an obvious matter of design choice to make the partial segment with projections, since applicant has not disclosed that projections solve any stated problem or is for any particular purpose and it appears that the invention would work equally well with straight edges.

With respect to claim 6, Luigi does not disclose grooves. It would have been an obvious matter of design choice to make the partial segment with grooves, since applicant has not disclosed that the grooves solve any stated problem or is for any particular purpose and it appears that the invention would work equally well with straight edges.

10. Claims 7, 8, 9, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luigi in view of Zublin (USP 2,306,683).

With respect to claims 7, 8, 15, and 16, Luigi does not disclose a stress-compensating layer. Zublin discloses a carbide layer in order to prevent the cutting

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edge from wearing flat. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Luigi by including a layer as taught by Zublin in order to prevent the cutting edge from wearing flat. The carbide disclosed in Zublin is considered to be nickel or chromium **or the like**.

With respect to claim 9, this is a product by process claim and the process of making the product is immaterial since the prior art discloses the product.

Allowable Subject Matter

11. Claim 23 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. Claims 17 and 20-22 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion


13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicole Coy whose telephone number is 571-272-5405. The examiner can normally be reached on M-F 7:30-5:00, 1st F off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

nac



William Neuder
Primary Examiner